

REMARKS

Applicants wish to thank the Examiner for identifying allowable claims 1-9 in the Office Action. Applicants note, however, that there was no acknowledgement of (1) Preliminary Amendment filed on September 15, 2004, nor (2) inventorship of Jason McDaniel, as indicated in the Declaration filed with the Submission of Missing Parts of Application dated August 19, 2004. Applicants respectfully request acknowledgement of these filing by the Examiner to confirm that they have been entered into the record for this application.

Drawings

Office Action, page 2: The drawings were objected to under 37 C.F.R. 1.83(a).

The drawings were objected to for failing to show the spout, electrically operable valve, manual valve, manual handle, and touch control, features specified in the various claims. An additional drawing sheet bearing new Fig. 2 is added by amendment herein, with corresponding reference numbers being added to relevant paragraphs of the specification. No new matter is added by this amendment, the existing references in the specification describing what is shown in the new figure, especially in the paragraphs to which reference numbers are added by amendment above. Applicants request that the objection be reconsidered in light of this amendment, and be withdrawn.

Claim Rejections

Office Action, page 3: Claims 18-21 were rejected under 35 U.S.C. § 112, second paragraph.

Claim 18 has been amended herein. That amendment removes the language to which this rejection was directed, so the rejection has been obviated.

IN THE DRAWINGS

Please amend the drawings by adding new Fig. 2, enclosed herewith. No new matter is added in this drawing.

Office Action, page 3: Claims 10, 11, 13, and 14 were rejected under 35 U.S.C. § 102(b).

Claims 10, 11, 13, and 14 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,619,320 to Parsons. Applicants note that the Parsons reference issued on September 16, 2003, which was less than one year before the filing date of present application, January 14, 2004. Therefore, the Parsons reference is not available for use in a rejection under 35 U.S.C. § 102(b).

Applicants note further that the Parsons reference neither shows nor suggests a “logical control generating a control signal when the sensor senses an activation event having duration less than a predetermined threshold” (emphasis added), according to Claim 10. Because of this omitted limitation, Applicants respectfully request that the rejection of Claim 10 (and Claims 11, 13 and 14 depending there from) be withdrawn.

Claims 10-13 and 15-17 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,694,653 to Harold. As with the Parsons reference, the Harold reference fails to show or suggest the “having a duration less than a predetermined threshold” according to Claim 10, and further fails to show or suggest a “logical control generating a control signal when [a] sensor observes an activation event occurring less than a predetermined number of times within a predetermined period, but which does not generate the control signal when the sensor observes an activation event of occurring more than the predetermined number of times within a predetermined period” (emphasis added), according to Claim 17. Because of this missing limitation, Applicants respectfully request that the rejection of Claims 10 & 17 (and the Claims depending therefrom) be withdrawn.

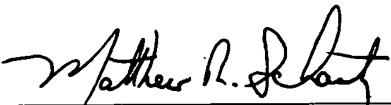
CONCLUSION

For the foregoing reasons, Applicants submit that all claims are in a condition for allowance, and respectfully request a prompt Notice of Allowance for all pending claims. It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action.

No fees are believed to be required with this Amendment; nevertheless, the Commissioner is hereby authorized to charge any fees due, including statutory fees for extensions of time, to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Reconsideration of the present application, as amended, is respectfully requested. If there are any remaining issues that can be addressed telephonically, the Examiner is invited to contact the undersigned to discuss the same.

Respectfully submitted,

By 
Matthew R. Schantz, Reg. No. 40,800
Woodard, Emhardt, Moriarty,
McNutt & Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
Telephone: (317) 713-4936
Facsimile: (317) 637-7561